

IC 12-13-5

Chapter 5. Duties of Division

IC 12-13-5-1

Powers and duties

Sec. 1. The division shall administer or supervise the public welfare activities of the state. The division has the following powers and duties:

- (1) The administration of old age assistance, aid to dependent children, and assistance to the needy blind and persons with disabilities, excluding assistance to children with special health care needs.
- (2) The administration of the following:
 - (A) Any public child welfare service.
 - (B) The licensing and inspection under IC 12-17.2 and IC 12-17.4.
 - (C) The care of dependent and neglected children in foster family homes or institutions, especially children placed for adoption or those born out of wedlock.
 - (D) The interstate placement of children.
- (3) The provision of services to county governments, including the following:
 - (A) Organizing and supervising county offices for the effective administration of public welfare functions.
 - (B) Compiling statistics and necessary information concerning public welfare problems throughout Indiana.
 - (C) Researching and encouraging research into crime, delinquency, physical and mental disability, and the cause of dependency.
- (4) Prescribing the form of, printing, and supplying to the county departments blanks for applications, reports, affidavits, and other forms the division considers necessary and advisable.
- (5) Cooperating with the federal Social Security Administration and with any other agency of the federal government in any reasonable manner necessary and in conformity with IC 12-13 through IC 12-19 to qualify for federal aid for assistance to persons who are entitled to assistance under the federal Social Security Act. The responsibilities include the following:
 - (A) Making reports in the form and containing the information that the federal Social Security Administration Board or any other agency of the federal government requires.
 - (B) Complying with the requirements that a board or agency finds necessary to assure the correctness and verification of reports.
- (6) Appointing from eligible lists established by the state personnel board employees of the division necessary to effectively carry out IC 12-13 through IC 12-19. The division may not appoint a person who is not a citizen of the United States and who has not been a resident of Indiana for at least

one (1) year immediately preceding the person's appointment unless a qualified person cannot be found in Indiana for a position as a result of holding an open competitive examination.

(7) Assisting the office of Medicaid policy and planning in fixing fees to be paid to ophthalmologists and optometrists for the examination of applicants for and recipients of assistance as needy blind persons.

(8) When requested, assisting other departments, agencies, divisions, and institutions of the state and federal government in performing services consistent with this article.

(9) Acting as the agent of the federal government for the following:

(A) In welfare matters of mutual concern under IC 12-13 through IC 12-19.

(B) In the administration of federal money granted to Indiana in aiding welfare functions of the state government.

(10) Administering additional public welfare functions vested in the division by law and providing for the progressive codification of the laws the division is required to administer.

(11) Supervising day care centers and child placing agencies.

(12) Supervising the licensing and inspection of all public child caring agencies.

(13) Supervising the care of delinquent children and children in need of services.

(14) Assisting juvenile courts as required by IC 31-30 through IC 31-40.

(15) Supervising the care of dependent children and children placed for adoption.

(16) Compiling information and statistics concerning the ethnicity and gender of a program or service recipient.

(17) Providing permanency planning services for children in need of services, including:

(A) making children legally available for adoption; and

(B) placing children in adoptive homes;

in a timely manner.

As added by P.L.2-1992, SEC.7. Amended by P.L.20-1992, SEC.26; P.L.81-1992, SEC.27; P.L.1-1993, SEC.130; P.L.23-1993, SEC.52; P.L.4-1993, SEC.51; P.L.5-1993, SEC.64; P.L.142-1995, SEC.3; P.L.1-1997, SEC.53; P.L.35-1998, SEC.1; P.L.273-1999, SEC.79.

IC 12-13-5-2

Services and programs administered

Sec. 2. The division shall administer the following:

(1) The Interstate Compact on the Placement of Children (IC 12-17-8).

(2) Any sexual offense services.

(3) A child development associate scholarship program.

(4) Any school age dependent care program.

(5) Migrant day care services.

(6) Any youth services programs.

- (7) Project safe place.
- (8) Prevention services to high risk youth.
- (9) Any commodities program.
- (10) The migrant nutrition program.
- (11) Any emergency shelter programs.
- (12) Any weatherization programs.
- (13) The Housing Assistance Act of 1937 (42 U.S.C. 1437).
- (14) The home visitation and social services program.
- (15) The educational consultants program.
- (16) Child abuse prevention programs.
- (17) Community restitution or service programs.
- (18) The crisis nursery program.
- (19) Energy assistance programs.
- (20) Domestic violence programs.
- (21) Social services programs.
- (22) Assistance to migrants and seasonal farmworkers.
- (23) The step ahead comprehensive early childhood grant program.
- (24) Any other program:
 - (A) designated by the general assembly; or
 - (B) administered by the federal government under grants consistent with the duties of the division.

As added by P.L.2-1992, SEC.7. Amended by P.L.4-1993, SEC.52; P.L.5-1993, SEC.65; P.L.32-2000, SEC.7.

IC 12-13-5-3

Rules; agents

Sec. 3. The division may do the following:

- (1) Adopt rules under IC 4-22-2 and take action that is necessary or desirable to carry out IC 12-13 through IC 12-19 and that is not inconsistent with IC 12-13 through IC 12-19. Each county director shall keep copies of the rules on file available for inspection by any person interested.
- (2) Under a division rule, designate county offices to serve as agents of the division in the performance of all public welfare activities in the county.

As added by P.L.2-1992, SEC.7. Amended by P.L.4-1993, SEC.53; P.L.5-1993, SEC.66; P.L.108-1996, SEC.3.

IC 12-13-5-4

Powers of supervision of state institutions under IC 12-13 through IC 12-19 restricted

Sec. 4. IC 12-13 through IC 12-19 conferring powers of supervision on the division do not include the actual management of state institutions or the selection of the personnel of state institutions.

As added by P.L.2-1992, SEC.7.

IC 12-13-5-5

Records and reports

Sec. 5. (a) Each county auditor shall keep records and make

reports relating to the county welfare fund (before July 1, 2001), the family and children's fund, and other financial transactions as required under IC 12-13 through IC 12-19 and as required by the division.

(b) All records provided for in IC 12-13 through IC 12-19 shall be kept, prepared, and submitted in the form required by the division and the state board of accounts.

As added by P.L.2-1992, SEC.7. Amended by P.L.36-1994, SEC.13; P.L.273-1999, SEC.80.

IC 12-13-5-6

Personnel

Sec. 6. The director shall appoint necessary eligible personnel for the efficient performance of the division's duties.

As added by P.L.2-1992, SEC.7.

IC 12-13-5-7

Bureau head; employees

Sec. 7. (a) The director shall appoint a bureau head or an employee who reports directly to the director.

(b) The bureau head shall, with the approval of the director, appoint each employee who reports directly to the head.

As added by P.L.2-1992, SEC.7.

IC 12-13-5-8

Deputies; payment of salaries

Sec. 8. (a) The attorney general shall assign to the division the number of deputies the director determines are needed to assist in the administration of the division.

(b) The salary of each deputy assigned to the division shall, during the deputy's service to the division, be paid from the money made available for the administration and enforcement of IC 12-13 through IC 12-19.

As added by P.L.2-1992, SEC.7.

IC 12-13-5-9

Failure or refusal to perform duty or obey order; enforcement procedures

Sec. 9. (a) If a public official, board, or commission fails or refuses to perform a duty under IC 12-13 through IC 12-19, the division or an agency allowed by law to coordinate or supervise assistance under IC 12-13 through IC 12-19 may order the public official, board, or commission to perform the duty.

(b) If the public official, board, or commission refuses to obey an order issued under subsection (a), the agency issuing the order under subsection (a) may institute a mandamus proceeding in a court to compel the public official, board, or commission to perform the duty.

(c) The attorney general shall assist in proceedings under this section.

As added by P.L.2-1992, SEC.7.

IC 12-13-5-10**Amendment or repeal of provision of title; claim for compensation barred**

Sec. 10. The amendment or repeal of a provision of this title does not create a claim for compensation on behalf of a recipient under this title.

As added by P.L.2-1992, SEC.7.

IC 12-13-5-11**Taking charge of child under IC 12-13 through IC 12-19 over parental objection restricted**

Sec. 11. Except as provided in IC 31-37-7-3, IC 12-13 through IC 12-19 does not authorize a state or county official, agent, or representative, in carrying out IC 12-13 through IC 12-19, to take charge of a child over the objection of either parent of the child or of the person standing in loco parentis to the child, except under a court order.

As added by P.L.2-1992, SEC.7. Amended by P.L.79-1994, SEC.1; P.L.1-1997, SEC.54.

IC 12-13-5-12**Liberal construction of IC 12-13 through IC 12-19**

Sec. 12. IC 12-13 through IC 12-19 shall be liberally construed so that the purposes may be accomplished as equitably, economically, and expeditiously as possible.

As added by P.L.2-1992, SEC.7.